

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:)	
)	
Dong-Hyun Kim, et al.)	
)	Examiner: Chen, Catheryne
Application No: 10/536,791)	
)	Art Unit: 1655
Filed: December 21, 2005)	
)	
For: GINSENG FERMENTED BY LACTIC)	Confirmation No.: 4525
ACIDE BACTERIUM, YOGHURT)	
CONTAING THE SAME, AND)	
LACTIC ACID BACTERIA USED IN)	
THE PREPARATION THEREOF)	
(As Amended))	
)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 C.F.R. §1.132

I, Lester J. Vincent, do hereby declare and say:

1. A deposit of Bifidobacterium KK-1 was deposited on March 22, 2002 with the Korean Cultural Center of Microorganisms and assigned Accession number KCCM-10364.
2. A copy of the International Form assigning Accession number KCCM-10364 is attached as Appendix A.

3. All restrictions imposed by the depositor on the on the availability to the public of Bifidobacterium KK-1, Accession number KCCM-10364 will be irrevocably removed upon the granting of a patent.

I, Lester J. Vincent hereby declare that all statements herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made knowing that willful false statements and the like are punishable by fine or imprisonment, or both under § 1001 of Title 18 of United States Code, and such willful or false statements may jeopardize the validity of the above-identified application or any patent issuing therefrom.

Date: September 29, 2009



Lester J. Vincent
Reg. No. 31,460

CERTIFICATE OF TRANSMISSION

I hereby certify that this document is being submitted via EPS-WEB
on: September 29, 2009
Assistant: /Carla Anysia Nascimento/
Carla Anysia Nascimento

APPENDIX A

International Form assigning Accession number KCCM-10364



BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS
FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

Dr. Kim, Dong-Hyun
College of Pharmacy, Kyung-Hee University,
1 Hoeki-Dong, Dongdaemun-Ku,
Seoul 130-701,
KOREA

RECEIPT IN THE CASE OF AN ORIGINAL
issued pursuant to Rule 7.1 by the
INTERNATIONAL DEPOSITARY AUTHORITY
identified at the bottom of this page

I. IDENTIFICATION OF THE MICROORGANISM	
Identification reference given by the DEPOSITOR : <i>Bifidobacterium</i> KK-1	Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY: KCCM-10364
II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION	
The microorganism identified under I above was accompanied by: <input type="checkbox"/> a scientific description <input type="checkbox"/> a proposed taxonomic designation (Mark with a cross where applicable)	
III. RECEIPT AND ACCEPTANCE	
This International Depositary Authority accepts the microorganism identified under I above, which was received by it on Mar. 22, 2002. (date of the original deposit)	
IV. INTERNATIONAL DEPOSITARY AUTHORITY	
Name : Korean Culture Center of Microorganisms Address : 361-221, Yurng B/D Hongje-1-dong Seodaemun-gu SEOUL 127-041 Republic of Korea	Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s): Date: Mar. 25, 2002

1 Where Rule 6.4(d) applies, such date is the date on which the status of international depositary authority was acquired; where a deposit made outside the Budapest Treaty after the acquisition of the status of international depositary authority is converted into a deposit under the Budapest Treaty, such date is the date on which the microorganism was received by the international depositary authority.